

Comment Form

STATE DEPARTMENT

Title: Intercountry Adoption Act of 2000: Hague Convention; agency accreditation and person approval

Docket Id: PN 4466; 1400-AA88

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Comments Due: November 14, 2003

Phase: PROPOSED RULES

How To Comment:

Commenters may send hard copy submissions or comments in electronic format. Commenters sending only hard copies must send an original and two copies referencing docket number State/AR-01/96 to: U.S. Department of State, CA/OCS/PRI, Adoption Regulations Docket Room, SA-29, 2201 C Street, NW., Washington, DC 20520. Hard copy comments may also be sent by overnight courier services to: U.S. Department of State, CA/OCS/PRI, Adoption Regulations Docket Room, 2201 C Street, NW., Washington, DC 20520. Do not personally hand deliver comments to the Department of State. Comments referencing the docket number State/AR-01/96 may be submitted electronically to adoptionregs@state.gov. Two hard copies of the comments submitted electronically must be mailed under separate cover as well. The electronic comments or the hard copy comments must be received by the date noted above in the date section of this proposed rule. Comments must be made in the text of the message or submitted as a Word file avoiding the use of any form of encryption or use of special characters. If you submit comments by hard copy rather than electronically, include a disk with the submission if possible. Hard copy submissions without an accompanying disk file, however, will be accepted.

Your comment has been sent. To verify that this agency has received your comment, please contact the agency directly. If you wish to retain a copy of your comment, print out a copy of this document for your files.

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Regulations.gov #: EREG - 4

Date Submitted: Nov 12, 2003

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Comment

There are several subparts of Part 96 which, if enacted, would render the agency I represent, as well as many and probably most other adoption agencies, unable to continue providing intercountry adoption services. These provisions are as follows: 1. Subpart F, 96.33(d) - Cash reserves: Most states (including the one where FCA is located) require that adoption agencies operate on a non-profit basis. Our fees may not be raised without the approval of the state licensing agency. Almost all non-profits face a constant funding struggle, and very few if any have even one month's cash reserve for operating expenses, let alone three months. This requirement raises the bar to a level that will eliminate almost all intercountry agencies immediately from the accreditation process. This is especially true since any reserves we might have will certainly be eaten up by the cost of accreditation. 2. Subpart F, 96.33(h) - Insurance requirements. Professional liability insurance for adoption agencies is almost impossible to obtain. There are very few insurance companies that even offer it. The agency I represent was paying \$30,000 for a Lloyds of London policy, which was the only one available. However, after having one claim made in the twenty years of our operation, Lloyds canceled the policy. Now our agency is deemed uninsurable, because of one claim in twenty years and 2600+ placements. 3. Subpart K, 96.79(a) - Denial of Accreditation. There is no mechanism for appealing a denial. This appears flatly unconstitutional, and certainly would lend itself to creating graft and other unsavory practices within the accreditation process. Absolute power corrupts absolutely. Please reconsider the severely and unnecessarily harsh provisions of these regulations before enacting them. There are other ways to balance the concerns behind the proposals. For instance, the agency I represent has a 20-year financial history, with never a default on a debt nor a missed payroll in two decades. Surely a significant history of financial stability could be substituted for cash reserves, since both demonstrate (yet neither proves) the likelihood that the consumer will be protected from financial loss. Similarly, there should be an exception to the insurance requirement for those agencies who have shown that they are unable to obtain a policy after diligent effort, AND that they do not have a history of failure to pay legitimate claims. Again, this would serve to protect the consumers without overburdening the agency. Thank you for the time spent considering these comments. I am available for contact at 209-524-8844, x221 if you have questions or if I can provide further input that would be helpful in any way. Sincerely, Alison A. Foster Executive Director Family Connections Adoptions